



## LPRSA - Tierra's Third-Party Complaint

SSchiding

to:

Sarah Flanagan

04/13/2010 06:56 PM

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History: This message has been replied to.

### 3 Attachments



Bidding Activities - 1952-1958 - Municipal & Scavenger Contracts.pdf



Testimony of Crescent J Roselle, 1-27-1959.pdf Testimony of Frank Miele Jr, 1-28-1959.pdf

Sarah:

Kim Simpkins asked me to follow up regarding the handful of entities from Tierra's Third-Party Complaint that EPA was considering looking into.

#### 1. ConAgra Panama as successor to Swift & Co., 1215 Harrison Avenue, Kearny

Swift & Co. operated at this Site prior to Standard Tallow (now Darling International). Cessation of operations was in approximately 1977 (according to PVSC documents). Sanborn Fire Insurance Maps from 1907 and 1907-1950 (attached) for Harrison/Kearny show an ammonia tank, machine shops, boiler room, gelatine manufacturing, glue manufacturing, liming vats, fertilizer and a laboratory onsite. The map also illustrates the Site's orientation relative to Frank's Creek.

#### 2. Deleet Merchandising Corp., Ottilio Landfill, Newark

Deleet appears in the 2009 NJ Industrial directory for Newark with reported sales of \$25-100 million annually.

They appear in PVSC annual reports as paying fines during 2000 & 2001, although the nature of any violations is not explained.

#### 3. Hudson Tool & Die Company, Inc., 59 Wall Street, Newark

This company is now Hudson Technologies, headquartered at 1327 North US Highway 1, Ormond Beach, FL 32174-2900 ( [www.hudson-technologies.com](http://www.hudson-technologies.com) ).

#### 4. Hy-Grade Electro Plating Co., 35 Fourth Street, Newark

LECG has investigated this entity and cannot find evidence that it is still viable; desktop internet searches do not turn up a viable company. In addition, the firm ceases to appear in NJ Industrial directories for Newark in 1994 and in PVSC annual reports in 1993.

#### 5. Nappwood Land Corporation, 199 Main Street, Lodi

LECG's information is consistent with that presented in the complaint.

**6. STWB, Inc. 120 Lister Avenue (aka 104-112 Lister), Newark**

LECG's information is consistent with that presented in the complaint.

**7. The Dial Corporation, 179 Entin Road, Clifton**

LECG's information is consistent with that presented in the complaint.

**8. V. Ottilio & Sons, Inc., Ottilio Landfill, Blanchard Street, Newark**

This company is estimated to have \$2.5-5 million in annual sales and is now located at 575 Preakness Ave., Paterson NJ 07502.

**9. Veolia ES Technical Solutions, L.L.C. 80 Lister Avenue**

LECG's information is consistent with that presented in the complaint.

**10. Vitusa Corp. as successor to Industrial Petrochemicals, Inc., 128 Doremus Avenue, Newark**

LECG's information is consistent with that presented in the complaint.

**11. Waste Management, Inc., MSLA 1-B/Keegan Landfill, Bergen Street, Kearny;  
MSLA 1-D Landfill, Kearny, NJ**Keegan Landfill

The property now known as the Keegan Landfill was previously part of a complex of 4 separate dumps (referred to in testimony as the Kearny dumps) leased from the Town of Kearny starting in the 1940s for a minimal sum by Peter Roselle & Sons, William A. Keegan Company, James Petrozello & Company and D&M. As of 1959, these companies, as well as other haulers, private scavengers and Kearny taxpayers used the Kearny dumps to dispose of garbage from municipalities both inside and outside of the LPRSA, including Elizabeth, Union, East Orange, Orange, West Orange, South Orange, Maplewood, Kearny and Newark. Peter Roselle & Sons, for example, operated in what one of the principals described as, "most of Essex and Union County."

LECG has obtained a set of documents related to New Jersey Senate hearings in 1959 concerning the garbage disposal industry, including activity at Keegan Landfill. These documents include a report relating to the state of the industry, a listing of municipal bidding activities, and several days of testimony by those involved in the industry. We will provide a complete set of these documents to you on CD, as they are too large to email. Attached to this email are excerpts from some of the testimony as well as excerpts from the municipal bid documents showing municipal waste disposal contracts held by haulers known to have used the Kearny dumps.

The attached testimony excerpts provide examples of the use of the Kearny dumps by various haulers and some of the municipalities from which waste was hauled to Kearny for disposal. The municipal contract bidding records indicate which haulers bid on which municipal jobs and provides a much broader picture than the testimony alone of the municipalities from which waste was potentially disposed of at Keegan Landfill. Within the bidding documents, the winning hauler is indicated by an underline, indicating which transporter would have been hauling waste for which municipality during the 1950s. If these winning contractors exclusively or primarily used the Kearny dumps for disposal, as indicated in the testimony, it is likely that at least some portion of the waste from their municipal customers throughout northern New Jersey was disposed of at the Kearny dumps.

In addition, MSLA 1-D and 1-B appear in materials prepared by Tierra regarding potential sources of contamination to the Passaic River. Rather than summarize these here, I am including PDFs of the documents themselves on the CD you will be receiving in the next few days.

As always, please don't hesitate to contact Kim Simpkins or me if you have questions or need further information.

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